

MINUTES
COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Thursday, May 1, 2008

Division Four

A119917 – The People v. Nicando Maciel.

The judgment is affirmed. Rivera, J. We Concur: Reardon, Acting P.J., Sepulveda, J.
(Not for Publication.)

A116693 – The People v. Randall Harris Wood.

The judgment is affirmed. Rivera, J. We Concur: Ruvolo, P.J., Sepulveda, J. (Not for
Publication.)

CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION ONE

Thursday, May 1, 2008

The Court convened at 9:00 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Stein, Acting Presiding Justice, Swager, Justice, Margulies, Justice, Fred Abad, Deputy Clerk, and CHP Officer Stephen Umeki, Bailiff.

A119093 Mary L. Richtenburg, et al.,
v.

Wells Fargo.

Cause called and argued by Gilmur Murray, counsel for appellant and Barry Levin, counsel for respondent. Cause ordered submitted.

A115399 Carla M. Clark, et al.,
A115445 v.

A115474 Optical Coating Lab. Inc, et al.

A116164 Cause called and argued by Jacques LeBoeuf, counsel for appellants Carla M.

A116701 Clark, et al., Andrew J. Waxler, counsel for appellant Charles D. Cochran, William Hancock, counsel for appellants Keith A. Robinson, et al., John Frank Barg, counsel for respondent Union Pacific Railroad, John Erickson, counsel for respondent Optical Coating Laboratory Inc., and David W. Hamilton, counsel for respondent State of California. Cause ordered submitted.

Court adjourned until Friday, May 2, 2008 at 9:45 a.m.

Friday, May 2, 2008

Division One

A118347 – The People v. Lenard Andrus.

The judgment is affirmed. Margulies, J. We Concur: Marchiano, P.J., Stein, J. (Not for Publication.)

CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION ONE

Friday, May 2, 2008

The Court convened at 9:45 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Marchiano, Presiding Justice, Swager, Justice, Margulies, Justice, Mary Quilez, Deputy Clerk and Mindy LaPonte, Bailiff.

A117707 In re Todd M. Ferguson on Habeas Corpus.
Cause called and argued by Denise Alayne Yates, counsel for appellant and Chris Richard Redburn, counsel for respondent. Cause ordered submitted.

A118732 Margot R. Solomon,
v.
Robert A. Degoff.
Cause called and argued by Margot R. Solomon, appellant in propria persona and Carol Ann Salvagione, counsel for respondents. Cause ordered submitted.

This is the final oral argument for Deputy Clerk Mary Quilez as she is retiring on May 30, 2008 and returning to the place of her origin in Wetumpka, Alabama. We wish her well in her retirement.

Court adjourned.

Friday, May 2, 2008 (continued)

Division Four

A118123 – The People v. Martin Anthony Campbell.

The judgment is affirmed. Ruvolo, P.J. We Concur: Reardon, J., Rivera, J. (Not for Publication.)

Division Five

A114558 – The People v. Wayne Eliot Jackson.

The judgment is modified to strike the three-year term imposed under section 12022.7, subdivision (a). As modified, the judgment is affirmed. The matter is remanded to the trial court with instructions to prepare a corrected abstract of judgment and to forward it to the Department of Corrections. Stevens, J.* We Concur: Jones, P.J., Needham, J. (Not for Publication.)

* Retired Associate Justice of the Court of Appeal, First Appellate District, Division Five, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Monday, May 5, 2008

Division Two

A117250 – The People v. Anthony Francisco Moreno.

The judgment of conviction is affirmed. Richman, J. We Concur: Kline, P.J., Lambden, J.
(Not for Publication.)

Division Four

A115296 – Sonia Cerna et al. v. City of Oakland et al.

By the Court: The petition for rehearing is denied. Reardon, Acting P.J.

A115723 – The People v. Don Jay Maszewski.

By the Court: The petition for rehearing is denied. Reardon, Acting P.J.

Division Five

A118282 – The People v. Dana Lamar Brown.

The judgment is affirmed. Stevens, J.* We Concur: Jones, P.J., Simons, J. (Not for Publication.)

* Retired Associate Justice of the Court of Appeal, First Appellate District, Division Five, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Tuesday, May 6, 2008

Division One

A117959 – Alexis Boissiere v. BSNF Railway Company.

The judgment is affirmed. Stein, J. We Concur: Marchiano, P.J., Margulies, J. (Not for Publication.)

Division Two

A116959 – Estate of Edie Westphal Herold, Deceased. Stephen Meyer v. Herbert G. Meyer.

The order denying appellant's safe harbor petition is reversed. The matter is remanded to the trial court for further proceedings. Kline, P.J. We Concur: Lambden, J., Richman, J. (Certified for Publication.)

Division Three

A113563 – The People v. Brian Lee Parker.

The judgment is affirmed. Pollak, J. We Concur: McGuiness, P.J., Jenkins, J. (Not for Publication.)

Division Five

A117837 – In re Dejuan P., a Person Coming Under the Juvenile Court Law. The People v. Dejuan P.

The disposition is affirmed. Jones, P.J. We Concur: Simons, J., Needham, J. (Not for Publication.)

Wednesday, May 7, 2008

Division Three

A114205 – Michael Moss v. County of Humboldt, et al.

A114622 – Michael Moss v. County of Humboldt, et al.

The judgment of the trial court denying Moss's petition for writ of mandate and requiring preparation of a new EIR with respect to issues addressed in Resolution No. 05-56 is reversed in part. The County may require a supplemental review under section 21166 only with respect to the project's environmental impacts on (1) water supply to the City of Trinidad, and (2) the population of coastal cutthroat trout. In all other respects, the judgment is affirmed. Each side shall bear its own costs on appeal. McGuiness, P.J. We Concur: Pollak, J., Jenkins, J. (Certified for Publication.)

Division Five

A116393 – The People v. Edwin Drew Stull.

The judgment is affirmed. Stevens, J.* We Concur: Jones, P.J., Simons, J. (Not for Publication.)

A115869 – The People v. William E. Banks.

The case is remanded for resentencing. The judgment is otherwise affirmed. Needham, J. We Concur: Jones, P.J., Simons, J. (Not for Publication.)

A116528 – The People v. Ivory N. Morton.

The burglary conviction is reversed with directions that the trial court order the California Department of Corrections to amend the abstract of judgment accordingly. The judgment is otherwise affirmed. Simons, J. We Concur: Jones, P.J., Needham, J. (Not for Publication.)

* Retired Associate Justice of the Court of Appeal, First Appellate District, Division Five, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Thursday, May 8, 2008

Division One

A117157 – Cecelia Nelson et al. v. One Legal, Inc.

The judgment is affirmed. Stein, J. We Concur: Marchiano, P.J., Swager, J. (Not for Publication.)

Division Four

A114732 – The People v. Eric Duchine.

The judgment is affirmed. Sepulveda, J. We Concur: Reardon, Acting P.J., Rivera, J.

Friday, May 9, 2008

Division One

**A119802 – In re Christopher F., a Person Coming Under the Juvenile Court Law.
The People v. Christopher F.**

The judgment is affirmed. Stein, J. We Concur: Marchiano, P.J., Margulies, J. (Not for Publication.)

Division Four

A117171 – The People v. Ashish Varman Prasad.

The judgment is affirmed. Reardon, Acting P.J. We Concur: Sepulveda, J. Rivera, J. (Not for Publication.)

Division Five

A119131 – The People v. John Hawthorne.

The order directing appellant to pay restitution to Shelly Robb in the amount of \$8,346.64 shall be stricken. Jones, P.J. We Concur: Simons, J., Needham, J. (Not for Publication.)

A118724 – Glenda Welch et al. v. Big Dog City Corporation et al.

The judgment is reversed. Needham, J. We Concur: Jones, P.J., Stevens, J.* (Not for Publication.)

* Retired Associate Justice of the Court of Appeal, First Appellate District, Division Five, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Monday, May 12, 2008

Division Four

A119504 – In re C.G., a Person Coming Under the Juvenile Court Law. The People v. C.G.

The orders declaring the minor a ward of the court and placing him in a private institution are affirmed. Sepulveda, J. We Concur: Ruvolo, P.J., Rivera, J. (Not for Publication.)

A120029 – The People v. Wei An Lu.

Judgment affirmed. Reardon, J. We Concur: Ruvolo, P.J., Sepulveda, J. (Not for Publication.)

Division Five

A114764 – The People v. McKenzie R. Crawford.

The judgment is affirmed. Simons, J. We Concur: Jones, P.J., Stevens, J.* (Not for Publication.)

A112742 – The People v. John Earl Green.

The judgment is affirmed. Stevens, J.* We Concur: Jones, P.J., Needham, J. (Not for Publication.)

* Retired Associate Justice of the Court of Appeal, First Appellate District, Division Five, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

* Retired Associate Justice of the Court of Appeal, First Appellate District, Division Five, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Tuesday, May 13, 2008

Division One

A117952 – People of the State of California v. Anmol Prasad.

The judgment is affirmed. Stein, Acting P.J. We Concur: Swager, J., Margulies, J. (Not for Publication.)

Division Two

A116604 – In re Jose Q., a Person Coming Under the Juvenile Court Law. The People v. Jose Q.

The order committing Jose to the DJF is affirmed. Richman, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication.)

Division Four

A115811 – The People v. Sael Araujo.

The judgment is conditionally reversed. The case is remanded to the trial court with directions to hold a new in camera hearing on defendant's *Pitchess* motion in conformance with the procedures described in *Mooc, supra*, 26 Cal.4th 1216, and *Guevara, supra*, 148 Cal.App.4th 62. If the trial court finds that there are discoverable records, they shall be produced and the court shall conduct such further proceedings as are necessary and appropriate. If the court again finds there are no discoverable records, or that there is discoverable information but defendant cannot establish that he was prejudiced by the denial of discovery, the trial court shall reinstate the original judgment and sentence which shall stand affirmed. (*Guevara, supra*, 148 Cal.App.4th at pp. 69-70; *People v. Hustead* (1999) 74 Cal.App.4th 410, 423.) Sepulveda, J. We Concur: Ruvolo, P.J., Reardon, J. (Not for Publication.)

A118143 – Caren Bufile v. Dollar Financial Group, Inc.

The Court: The requests for publication of this court's April 17, 2008 opinion is granted and it is hereby ordered that said opinion be published in the Official Reports. Ruvolo, P.J. (Certified for Publication.)

A119441 – In re Amanda A. et al., Persons Coming Under the Juvenile Court Law. San Mateo County Human Services Agency v. Marie F.-A.

The order terminating parental rights is affirmed. Reardon, J. We Concur: Ruvolo, P.J., Sepulveda, J. (Not for Publication.)

Tuesday, May 13, 2008 (continued)

Division Four

A115165 – The People v. Misael Eduardo Barba-Rejon.

The trial court is directed to prepare a modified abstract of judgment reflecting that defendant was convicted in counts one through three of vehicular manslaughter while intoxicated without gross negligence in violation of section 192, subdivision (c)(3), and to forward an amended abstract of judgment to the Department of Corrections and Rehabilitation. As so modified, the judgment is affirmed. Rivera, J. We Concur: Ruvolo, P.J., Reardon, J. (Not for Publication.)

Division Five

A118001 – Yery Cool et al. v. Safeway, Inc.

The judgment is affirmed. Safeway is entitled to its costs on appeal. Simons, J. We Concur: Jones, P.J., Needham, J. (Not for Publication.)

MINUTES
CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION FOUR
Tuesday, May 13, 2008

The Court convened at 9:30 a.m. in its courtroom located at 350 McAllister St., San Francisco, California. Present: Ruvolo, P.J., Sepulveda, J., and Rivera, J.; Channing Hoo, Deputy Clerk; CHP Officer Stephen Umeki, Bailiff.

- A117635 People
 v.
 Timothy Allen Moelk
Cause called. Peter F. Goldscheider argued for appellant Moelk. Sharon G. Birenbaum argued for respondent. Cause submitted.
- A118725 People
 v.
 Lamonte Dante Raney
Cause called. Gene Vorobyov argued for appellant Raney. Martin S. Kaye argued for respondent. Cause submitted.
- A116360 City of Oakland
 v.
 Kenny D. Hassey
Cause called. Jon Webster argued for appellant Hassey. Kandis Westmore argued for respondent. Cause submitted.
- A118684 Baychester Shopping Center et al.
 v.
 San Francisco Residential Rent & Stabilization Board
 Larry Fingerhut
Cause called. Steven Williams argued for appellants Center et al. Wayne Snodgrass argued for respondent Board. Cause submitted.

Court adjourned until 10:37 a.m.

Wednesday, May 14, 2008

Division One

A116327 – Leathan Ford v. Edward Krug et al.

A118824 – Leathan Ford v. Edward Krug.

Accordingly, the denials of appellants' motions to set aside the judgments are reversed. All of the judgments entered against appellants and in favor of respondent and Gabovich and Harbison are reversed. On remand, the trial court is directed to impose reasonable compensatory legal fees and costs upon appellants' former attorney as required by the mandatory provisions of section 473, to consider in its discretion whether additional penalties or other relief authorized by section 473 should be granted, and to conduct other proceedings consistent with this opinion. Costs on these two appeals are awarded to appellants. (J.A.T. Entertainment, Inc. v. Reed, supra, 62 Cal.App.4th 1485, 1495.) Swager, J. We Concur: Stein, Acting P.J., Margulies, J. (Not for Publication.)

A119240 – The People v. Stephen Ellis Smith.

The judgment is affirmed. Stein, Acting P.J. We Concur: Swager, J., Margulies, J. (Not for Publication.)

A119827 – In re I.G., a Person Coming Under the Juvenile Court Law. Contra Costa County Bureau of Children and Family Services v. Peter G.

The order terminating appellant's parental rights is affirmed. Swager, J. We Concur: Marchiano, P.J., Margulies, J. (Not for Publication.)

A114023 – The People v. Horace Bordelon.

The judgment is affirmed. Marchiano, P.J. We Concur: Swager, J., Margulies, J. (Certified for Publication.)

Division Two

A112705 – Jennifer E. Gill, A Minor, etc. v. Tamalpais Union High School District, Presidio Sport & Medicine.

A112830 – Jennifer E. Gill, A Minor, etc. v. Tamalpais Union High School District, Presidio Sport & Medicine.

A112705 – Tamalpais Union High School District v. Presidio Sport & Medicine.

The judgment, and the order denying Presidio's motion for judgment NOV are affirmed. The parties shall bear their respective costs of appeal. Richman, J. We Concur: Kline, P.J., Lambden, J. (Not for Publication.)

Wednesday, May 14, 2008 (continued)

Division Two

A117900 – nSight, Inc. et al. v. Oracle USA, Inc.

The purported appeal from the order denying nSight's motion for reconsideration is dismissed. The judgment is affirmed. Oracle shall recover costs of appeal. Haerle, J. We Concur: Lambden, J., Jones, P.J.* (Not for Publication.)

*Presiding Justice of the Court of Appeal, First Appellate District, Division Five, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

MINUTES

CALIFORNIA COURT OF APPEAL FIRST APPELLATE DISTRICT DIVISION TWO

Wednesday, May 14, 2008

The Court convened at 9:30 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: Kline, P.J., Haerle, J., Lambden, J., Officer LaPonte and S. Wheeler, Deputy Clerk.

A117411 The People,
 v.
 Claude Rick Givens May III.
Cause called and argued by Stephen Robert Gianelli, counsel for appellant, and Deputy Attorney General, Ann Wathen, counsel for respondent. Cause ordered submitted.

A116302 Devonwood Condominium Owners Association,
 v.
 Farmers Insurance Condominium Owners Association.
Cause called and argued by Linda Jean Lynch, counsel for appellant, and Jeff Fackler, counsel for respondent. Cause ordered submitted.

At this point of the proceedings, Kline, P.J., left the bench and Richman, J. joined the bench for the next case on calendar.

A115861 The People,
 v.
 Michale Claude Wilen.
Cause called and argued by Elizabeth Violet Grayson, counsel for appellant, and Deputy Attorney General, Jill M. Thayer, counsel for respondent. Cause ordered submitted.

A114985 E R Balinton,
 v.
 City and County of San Francisco.
Cause called and argued by James F. Tritt, counsel for appellant, and Stacey Ann Lucas, counsel for respondent. Cause ordered submitted.

A119706 Michael Jordan,
 v.
 Kiet Nguyen.
Cause called and argued by Charles Gerard McCarthy, counsel for appellant, and

Nicollette Dailey, counsel for respondent. Cause ordered submitted.

Court recessed until 1:30 p.m.

MINUTES

CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION TWO

Wednesday, May 14, 2008

The Court reconvened at 1:30 p.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: Kline, P.J., Haerle, J., Richman, J., Officer Umeki and S. Wheeler, Deputy Clerk.

- A116173 The People,
 v.
 Vincent Carl Ortiz.
Cause called and argued by Marcia Cheryl Levine, counsel for appellant, and Deputy Attorney General, Marie Dogan Frances, counsel for respondent. Cause ordered submitted.
- A116798 James Clayworth,
 v.
 Pfizer Inc., et al.
Cause called and argued by Joseph M. Alioto, counsel for appellant, and William Fenrich, counsel for respondents. During oral argument, P.J. Kline stated that appellant's request for judicial notice is granted. Cause ordered submitted.
- A118327 Urban Habitat Program et al.,
 v.
 City of Pleasanton.
Cause called and argued by Richard Anthony Marcantonio, counsel for appellants, and Thomas B. Brown, counsel for respondent. Cause ordered submitted.
- A113595/
A118069 California Correctional Peace Officers' Association,
 v.
 State of California, et al.
Cause called and argued by Paul Starkey, counsel for appellants/cross-respondents, and Gregg Adam, counsel for respondent/cross-appellant. Cause ordered submitted.

Court recessed until Thursday, May 15, 2008, at 9:30 a.m..

Wednesday, May 14, 2008 (continued)

Division Three

A117266 – The People v. Julio C. Rosales.

The judgment is affirmed. McGuiness, P.J. We Concur: Pollak, J., Jenkins, J. (Not for Publication.)

Division Four

A118563 – David Elsebusch v. County of Humboldt et al.

The judgment is affirmed. Sepulveda, J. We Concur: Reardon, Acting P.J., Rivera, J. (Not for Publication.)

A119051 – Diana Lynn Ponaratt v. Neils Tangherlini.

The order of the trial court denying appellant's requests for a civil harassment restraining order is affirmed. Sepulveda, J. We Concur: Reardon, Acting P.J., Rivera, J. (Not for Publication.)

A120031 – In re Rueben P., a Person Coming Under the Juvenile Court Law. The People v. Rueben P.

The appeal is therefore ordered dismissed as moot. Sepulveda, J. We Concur: Reardon, Acting P.J., Rivera, J. (Not for Publication.)

Thursday, May 15, 2008

Division Two

A114985 – Egnacio R. Balington v. City and County of San Francisco.

The judgment is affirmed. Balinton is to pay the costs of appeal. Lambden, J. We Concur:
Haerle, Acting P.J., Richman, J. (Not for Publication.)

MINUTES

CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION TWO

Thursday, May 15, 2008

The Court reconvened at 9:30 a.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco, California. Present: Kline, P.J., Lambden, J., Richman, J., Officer Smith and S. Wheeler, Deputy Clerk.

A114848 Gina Ontiveros,
 v.
 DHL Express.
Cause called and argued by Henry Lederman, counsel for appellant, and William Fernholz, counsel for respondent. Cause ordered submitted.

COURT ADJOURNED.

Friday, May 16, 2008

Division One

A113292 – The People v. Richard Leroy Allen.

The judgment of the trial court is affirmed. Margulies, J. We Concur: Marchiano, P.J., Stein, J. (Not for Publication.)

Division Two

A111688 – The People v. Glenn Louis Ray.

The judgment is affirmed. Kline, P.J. We Concur: Lambden, J., Richman, J. (Not for Publication.)

A115105 – The People v. Edward A. Britton.

The trial court's judgment is affirmed. Without otherwise affecting the judgment, we order the sentence regarding count 3 stayed. We remand this matter to the trial court with directions to correct the abstract of judgment so as to reflect this stay. Lambden, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication.)

A115491 – State Building and Construction Trades Council of California v. John C. Duncan as Director, etc., et al.; Southern California Housing Development Corporation, R.P.I.

A115663 - State Building and Construction Trades Council of California v. John C. Duncan as Director, etc., et al.; Southern California Housing Development Corporation, R.P.I.

By the Court: The opinion filed herein on April 23, 2008 is modified as follows: (See order.) The Request for Rehearing/Modification filed by appellants John C. Duncan and the Department of Industrial Relations is denied. This modification does not effect a change in the judgment. Haerle, Acting P.J. (Certified for Publication.)

Division Three

A116064 – The People v. Isaac Ortiz.

The judgment is affirmed. Siggins, J. We Concur: McGuiness, P.J., Jenkins, J. (Not for Publication.)

Monday, May 19, 2008

Division One

A114579 – The People v. Britton Mode.

The judgment is affirmed. Marchiano, P.J. We Concur: Stein, J., Swager, J.

A117737 – The People v. Alfred E. Burch Jr.

The judgment is affirmed. Marchiano, P.J. We Concur: Stein, J., Margulies, J.

MINUTES
CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION FOUR
Monday, May 19, 2008

The Court convened at 9:30 a.m. in its courtroom located at 350 McAllister St., San Francisco, California. Present: Ruvolo, P.J., Reardon, J., and Sepulveda, J.; Channing Hoo, Deputy Clerk; CHP Officer Christian Oliver, Bailiff.

A119814 Jose Facundo-Guerrero
 v.
 Worker's Compensation Appeals Board et al.
Cause called. Charles Rondeau argued for amicus in support of petitioner, Armand Arabian argued for petitioner; and Brian Egan argued for respondents. Cause submitted.

A118499 Ron Wilson
A119121 v.
 Frances Murillo
Causes called. Thomas E. Frankovich argued for appellant Wilson. David Faustman argued for respondent. Causes submitted.

At this point, the court reconstituted itself to include Ruvolo, P.J., Reardon, J., and Rivera, J.

A115829 James Camenson et al.
 v.
 Milgard Manufacturing Incorporated et al.
Cause called. Stuart Eppsteiner argued for appellants Camenson et al. Frederick D. Baker argued for respondents. Cause submitted.

At this point, the court reconstituted itself to include Ruvolo, P.J., Sepulveda, J., and Rivera, J.

A118625 People
 v.
 Waymond Earl Starritt
Cause called. Matthew A. Siroka argued for appellant Starritt. Masha Dabiza argued for respondent. Cause submitted.

At this point, the court reconstituted itself to include Reardon, Acting P.J., Sepulveda, J., and Rivera, J.

A112794

People

v.

Bindu Madhava Lang

Cause called. Mai Linh Spencer argued for appellant Lang. Mark Howell argued for respondent. Cause submitted.

Court recessed at 11:29 a.m.

MINUTES
CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION FOUR
Monday, May 19, 2008

The Court reconvened at 1:30 p.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco. Present: Reardon, Acting P.J., Sepulveda, J., and Rivera, J.; Channing Hoo, Deputy Clerk; CHP Officer Christian Oliver, Bailiff.

A118410 California Physician Service
v.
Aoki Diabetes Research
Cause called. Gregory N. Pimstone argued for appellant Service. Douglas deVries argued for respondent. Cause submitted.

Court adjourned at 2:20 p.m.

Tuesday, May 20, 2008

Division Two

A119800 – In re D.R., a Person Coming Under the Juvenile Court Law. The People v. D.R.

Our independent review of the record reveals no arguable issues. Accordingly, this judgment is affirmed. Lambden, J. We Concur: Kline, P.J., Richman, J. (Not for Publication.)

A116302 – Devonwood Condominium Owners Association v. Farmers Insurance Exchange.

We vacate the judgment and remand this matter with instructions to the lower court to enter a new judgment that conforms to the arbitration award, consistent with this opinion. Devonwood's motion for sanctions against Farmers for filing a frivolous appeal is denied. Farmers is awarded costs of appeal. Lambden, J. We Concur: Kline, P.J., Haerle, J. (Certified for Publication.)

Division Three

A119399 – The People v. Tonya Michelle Williams.

The judgment is affirmed. The abstract of judgment shall be amended to reflect defendant's correct sentence: the low term of 16 months on count 1 and a consecutive eight-month term on count 2, both doubled by virtue of the prior strike conviction. Pollak, Acting P.J. We Concur: Siggins, J., Jenkins, J. (Not for Publication.)

A119364 – In re S.Z., a Minor. Vicky H. et al. v. Rachael L.

The juvenile court's order terminating parental rights is reversed and the matter is remanded for further proceedings consistent with this opinion. The parties shall bear their own costs on appeal. McGuiness, P.J. We Concur: Pollak, J., Siggins, J. (Not for Publication.)

A119685 – Margie Holyfield v. John Chiang, as State Controller, etc.

The order denying Holyfield's petition is affirmed. Pollak, Acting P.J. We Concur: Siggins, J., Jenkins, J. (Not for Publication.)

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION THREE

Tuesday, May 20, 2008

Court convened at 9:00 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: Presiding Justice McGuiness, Pollak, J., Jenkins, J., and A. Reasoner, Deputy Clerk.

A116253 Jun Sook Yoon, et al,
 v.
 Hae Soon Park
Cause called and argued by Russell Hanlon, counsel for appellants, and Marc Libarle, counsel for respondent. Cause ordered submitted.

A114510 Francisca Amaral, et al,
and v. Cintas Corporation No. 2
A114981 City of Hayward, Intervenor
Cause called and argued by Diane Gibson, counsel for respondent Cintas Corporation, Daniel Connolly, counsel for intervener City of Hayward, and Michael Rubin, counsel for appellants Amaral, et al. Cintas Corporation is to submit a one-page letter brief by 5:00 p.m. on Friday, May 23, 2008, at which time the case will be deemed submitted.

At this point, Jenkins, J. left the bench and Siggins, J. joined the bench. The arguments continued with McGuiness, P.J., Pollak, J., and Siggins, J.

A115498 People
 v.
 Juan Verduzco
Cause called and argued by Richard Such, counsel for appellant, and Catherine McBrien, counsel for respondent. Cause argued and submitted.

A118449 In re Parrish B.
 People
 v.
 Parrish B.
Cause continued due to illness of counsel for appellant.

A117050 John Hernandez, et al
 v.
 Whitman Corporation
Cause called and argued by William Simpich, counsel for appellant, and Richard Raushenbush, counsel for respondent. Cause argued and submitted.

At this point, Pollak, J. left the bench. Jenkins, J. rejoined the bench. The arguments continued with McGuinness, P.J., Siggins, J., and Jenkins, J.

A119048 Julianna Agardi

v.

NCPHS Sequoias San Francisco

Cause called and argued by Julianna Agardi, appellant in propria persona, and

Meghan Higgins, counsel for respondent City and County of San Francisco.

Christina Luini, counsel for respondent Sequoias, also appeared but did not argue.

Cause argued and submitted

COURT ADJOURNED

Tuesday, May 20, 2008 (continued)

Division Four

A114876 – The People v. Michael John King.

The judgment is affirmed. Ruvolo, P.J. We Concur: Sepulveda, J., Rivera, J. (Not for Publication.)

Wednesday, May 21, 2008

Division One

A118470 – The People v. Debra M. Kita.

After a full review of the record, we find no arguable issues and, accordingly, affirm the judgment. Swager, J. We Concur: Marchiano, P.J., Stein, J. (Not for Publication.)

Division Two

A119681 – The People v. Joe E. Sturns.

The judgment and sentence imposed are affirmed. Kline, P.J. We Concur: Haerle, J., Lambden, J. (Not for Publication.)

A115094 – Donna Katosh v. Sonoma County Employees' Retirement Association et al.

The judgment is affirmed. Kline, P.J. We Concur: Lambden, J., Richman, J. (Certified for Publication.)

Division Four

A118625 – The People v. Waymond Earl Starritt.

The judgment is reversed as to counts three (possession of heroin) and seven (management of a location for unlawful manufacture, storage, or distribution of a controlled substance). The judgment on count one (possession of heroin for purpose of sale) is modified to reflect that defendant's sentence on this count is stayed pursuant to Penal Code section 654. The trial court is directed to prepare an amended abstract of judgment and to forward a certified copy to the Department of Corrections. In all other respects, the judgment is affirmed. Sepulveda, J. We Concur: Ruvolo, P.J., Rivera, J. (Not for Publication.)

Wednesday, May 21, 2008 (continued)

Division Five

A118144 – The People v. Nate Robin Garza.

The judgment is modified to reflect 180 days (rather than 158 days) of credit against his sentence in case number CR070863. As so modified, the judgment is affirmed. The abstract of judgment shall be modified to reflect 180 days of credit (comprised of 120 actual days and 60 local conduct days) against appellant's sentence in case number CR070863, and to reflect that his conviction for section 288a, subdivision (b)(1) is not a violent felony (by indicating the term for that conviction is imposed as "consecutive 1/3 non-violent" rather than "consecutive 1/3 violent"). Needham, J. We Concur: Simons, Acting P.J., Stevens, J.* (Not for Publication.)

A118735 – In re Kelsey B., a Person Coming Under the Juvenile Court Law. The People v. Kelsey B.

The judgment is affirmed. Needham, J. We Concur: Simons, Acting P.J., Stevens, J.* (Not for Publication.)

* Retired Associate Justice of the Court of Appeal, First Appellate District, Division Five, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

* Retired Associate Justice of the Court of Appeal, First Appellate District, Division Five, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

MINUTES
COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION FIVE

Wednesday, May 21, 2008

Court convened at 9:00 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: Jones, P.J., Simons, J., Needham, Jr., J., Stevens, J.,* and Richard H. Sandvik, Deputy Clerk.

A115457 Cell Phone Termination Fee Cases,

Cause called and argued by Alan R. Plutzik, counsel for appellant, and by Paul Watford, counsel for respondent. Cause ordered submitted.

A115169 Howard C. Schuman,

v.

Howard Berger et al.,

Cause called and argued by Douglas A. Applegate, counsel for appellant, and by Joseph P. McMonigle, counsel for respondents. Cause ordered submitted.

A115255 The People,

v.

Richard Leon Loughmiller,

Cause called and argued by Marylou E. Hillberg, counsel for appellant, and by Lisa Ashley Ott, counsel for respondent. Cause ordered submitted.

A118866 Maxlyn Cadlo,

v.

Metalclad,

Cause called and argued by Richard M. Grant, counsel for appellant, and by Daniel Hoye, counsel for respondent. Cause ordered submitted.

A115362 Ryan Walsh et al.,

v.

Ikon Office Solutions

Cause called and argued by Robin Workman, counsel for appellants, and by Gilmore F. Diekmann, Jr., counsel for respondent. Cause ordered submitted.

A115784 Graham Wiseman et al.,

v.

Ikon Office Solutions,

Cause called and argued by Robin Workman, counsel for appellants, and by Gilmore F. Diekmann, Jr., counsel for respondent. Cause ordered submitted.

- A104955 Muzzy Ranch Company,
v.
Solano County Airport Land Use Commision,
Cause called and argued by Richard C. Jacobs, counsel for appellant, and by James W. Laughlin, counsel for respondent. Cause ordered submitted.
- A116514 Linda S. Selback,
v.
Naozer Dadachanji,
Cause called and argued by Kathleen M. Lucas, counsel for appellant, and by Sana Swe, counsel for respondent. Cause ordered submitted.
- A118096 Linda S. Selback,
v.
Barclays Global Investors,
Cause called and argued by Kathleen M. Lucas, counsel for appellant, and by Sana Swe, counsel for respondent. Cause ordered submitted.
- A117593 Deborah Drummer,
v.
San Francisco Housing Authority et al.,
Cause called and argued by Gary T. Lafayette and Louise Rene, counsel for appellant, and by Chris R. Redburn, counsel for respondents. Submission deferred.

Court adjourned at 12:45 p.m.

*Retired Associate Justice of the Court of Appeal, First Appellate District, Division Five, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Thursday, May 22, 2008

Division One

A118900 – In re M.V., a Person Coming Under the Juvenile Court Law. Solano County Health and Social Services Department v. Ysela V.

That portion of the juvenile court's dispositional order denying reunification services to Mother is vacated, and the matter is remanded to the juvenile court for further proceedings consistent with this decision. Margulies, J. We Concur: Marchiano, P.J., Stein, J. (Not for Publication.)

A115095 – County of Contra Costa v. Public Employees Union Local One, Public Employment Relations Board.

A115118 – County of Contra Costa v. California Nurses Association, Public Employment Relations Board.

The orders are affirmed. Swager, J. We Concur: Stein, Acting P.J., Margulies, J. (Certified for Publication.)

A115605 – The People v. Charles Granderson.

The judgment is affirmed. As footnote: By a separate order filed this date we have denied defendant's petition for writ of habeas corpus in A120979. Swager, J. We Concur: Stein, Acting P.J., Margulies, J. (Not for Publication.)

Division Three

A119154 – The People v. Jose Luis Vargas-Flores.

The judgment is affirmed. McGuiness, P.J. We Concur: Pollak, J., Siggins, J. (Not for Publication.)

A119158 – The People v. Vernon David Phy.

The judgment is affirmed. McGuiness, P.J. We Concur: Siggins, J., Jenkins, J. (Not for Publication.)

Friday, May 23, 2008

Division One

A114150 – The People v. Kevin Lee Barrios.

The judgments of conviction are affirmed. Marchiano, P.J. We Concur: Stein, J., Margulies, J. (Certified for Partial Publication.)

A118732 – In re the Marriage of Margot R. Solomon and Robert A. DeGoff. Margot R. Solomon v. Robert A. DeGoff.

The judgment is affirmed. Marchiano, P.J. We Concur: Swager, J., Margulies, J. (Not for Publication.)

Division Two

A120832 – John M. v. The Superior Court of Alameda County; Alameda County Social Services Agency, R.P.I.

The petition for extraordinary relief is denied on the merits. Our decision is final as to this court immediately. (Cal. Rules of Court, rule 8.264(b)(3).) The temporary stay of the section 366.26 hearing is lifted and this case is remanded to the juvenile court for further proceedings consistent with this opinion. Haerle, Acting P.J. We Concur: Lambden, J., Richman, J. (Not for Publication.)

A115233 – Kimberly McCarther, et al. v. Pacific Telesis Group, et al.

The trial court judgment is reversed. Plaintiffs are awarded costs of appeal. This matter is remanded for further proceedings consistent with this opinion. Lambden, J. We Concur: Haerle, Acting P.J., Richman, J. (Certified for Publication.)

Division Three

A116253 – Jun Sook Yoon et al. v. Hae Soo Park.

The judgment is affirmed in part, reversed in part, and the case is remanded for further proceedings consistent with this opinion. Jenkins, J. We Concur: McGuinness, P.J., Pollak, J. (Not for Publication.)

Friday, May 23, 2008 (continued)

Division Four

A116384 – The People v. Gregory Smith.

The trial court is directed to modify the sentence to strike one 5 year enhancement, and to forward an amended abstract of judgment to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed. Rivera, J. We Concur: Ruvolo, P.J., Sepulveda, J. (Not for Publication.)

A114586 – In re the Marriage of Robert J. Nielsen, Jr. and Michelle Olds. Robert J. Nielsen, Jr. v. Michelle Olds.

The April 2006 order, from which this appeal was taken, is affirmed. Michelle shall recover her costs on appeal. Ruvolo, P.J. We Concur: Sepulveda, J., Rivera, J. (Not for Publication.)

A118428 – The People v. Adam Sabastian Lancina.

The judgment is affirmed. Sepulveda, J. We Concur: Ruvolo, P.J., Rivera, J. (Not for Publication.)

A117822 – The People v. Victor Manuel Topete.

The judgment is reversed insofar as it failed to reflect any presentence conduct credits. The abstract of judgment is ordered corrected to reflect an award of 67 days of presentence conduct credits pursuant to section 2933.1, for a total of 519 days of presentence credits. The amended abstract of judgment shall be forwarded to the Department of Corrections. In all other respects the judgment is affirmed. Sepulveda, J. We Concur: Ruvolo, P.J., Reardon, J. (Not for Publication.)

Division Five

A115169 – Howard C. Schuman v. Leonard B. Berger et al.

The judgment is affirmed. Costs on appeal are awarded to defendants/respondents. Needham, J. We Concur: Simons, Acting P.J., Stevens, J.* (Not for Publication.)

* Retired Associate Justice of the Court of Appeal, First Appellate District, Division Five, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Tuesday, May 27, 2008

Division One

A120310 – The People v. Myron Omar White.

After a full review of the record, the judgment is affirmed. Marchiano, P.J. We Concur: Swager, J., Margulies, J. (Not for Publication.)

Division Two

A119013 – In re Michael B., a Person Coming Under the Juvenile Court Law. The People v. Michael B.

The order appealed from is affirmed. Haerle, Acting P.J. We Concur: Lambden, J., Richman, J. (Not for Publication.)

A116157 – The People v. Jesus Antonio Ponce.

The 10-year gang enhancement imposed pursuant to Penal Code section 186.22, subdivision (b)(1) is vacated. The court is directed to prepare a corrected abstract of judgment reflecting the striking of the gang enhancement, and to forward the corrected abstract of judgment to the Department of Corrections and Rehabilitation. As modified, the judgment is affirmed. Richman, J. We Concur: Haerle, Acting P.J., Lambden, J. (Not for Publication.)

Division Three

A119048 – Julianna Agardi v. Northern California Presbyterian Homes & Services et al.

The judgment of dismissal is affirmed. The parties are to bear their own costs on appeal. Siggins, J. We Concur: McGuinness, P.J., Jenkins, J. (Not for Publication.)

A115498 – The People v. Juan Verduzco.

A121426 – In re Juan Verduzco, on Habeas Corpus.

The judgment is affirmed and the petition for writ of habeas corpus is denied. Siggins, J. We Concur: McGuinness, P.J., Pollak, J. (Not for Publication.)

Division Five

A116289 – The People v. Diego Quiroz.

The judgment is affirmed. Needham, J. We Concur: Simons, Acting P.J., Stevens, J.* (Not for Publication.)

* Retired Associate Justice of the Court of Appeal, First Appellate District, Division Five, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Wednesday, May 28, 2008

Division Two

A118669 – In re Marcell M., a Person Coming Under the Juvenile Court Law. Contra Costa County Bureau of Children and Family Services v. Jennifer R.

The orders appealed from are affirmed. Haerle, Acting P.J. We Concur: Lambden, J., Richman, J. (Not for Publication.)

Division Three

A116824 – The People v. Gary Lee O'Bryan.

The judgment is affirmed. The trial court is directed to amend the abstract of judgment to reflect that the sentence imposed for each conviction is the middle term, to double the base term imposed for O'Bryan's failure to register as a sex offender, and to forward a corrected abstract of judgment to the California Department of Corrections. Siggins, J. We Concur: Pollak, Acting P.J., Jenkins, J. (Not for Publication.)

A114237 – The People v. Cindy Lee Harris.

The judgment is affirmed. Pollak, J. We Concur: McGuiness, P.J., Jenkins, J. (Not for Publication.)

Division Four

A112794 – The People v. Bindhy Madhava Lang.

The conviction and sentence on count five -the lewd act committed against S.K. - is reversed. The matter is remanded to the trial court for a corrected abstract of judgment that is consistent with this decision. In all other respects, the judgment is affirmed. Reardon, Acting P.J. We Concur: Sepulveda, J., Rivera, J. (Not for Publication.)

A119538 – In re L.S., a Person Coming Under the Juvenile Court Law. Contra Costa County Children & Family Services v. Hector S.

The orders appealed from are affirmed. Rivera, J. We Concur: Ruvolo, P.J., Reardon, J. (Not for Publication.)

Division Five

A119198 – In re Justin H., a Person Coming Under the Juvenile Court Law. The People v. Justin H.

The September 11, 2007 dispositional order is affirmed. Stevens, J.* We Concur: Simons, Acting P.J., Needham, J. (Not for Publication.)

* Retired Associate Justice of the Court of Appeal, First Appellate District, Division Five, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Thursday, May 29, 2008

Division One

A119396 – The People v. Vincent Raymond Grijalva.

We find no arguable issues that require briefing and accordingly, affirm the judgment. Margulies, J. We Concur: Marchiano, P.J., Stein, J. (Not for Publication.)

A119630 – The People v. Borden Roy Anderson.

The judgment is affirmed. Stein, J. We Concur: Marchiano, P.J., Swager, J. (Not for Publication.)

A114589 – In re the Marriage of Monica Gong and Terry Kwong. Monica Gong v. Terry Kwong.

The appeal is dismissed. The matter is remanded to the trial court to calculate and award to Ms. Gong reasonable attorney fees incurred in responding to the appeal and in seeking sanctions, which amount shall be added to the charging lien and paid to Ms. Gong through the receivership.

As sanctions for bringing this frivolous appeal, Mr. Kwong shall pay \$15,000 to Ms. Gong, which amount shall be added to the charging lien and paid to Ms. Gong through the receivership. Attorneys Mattaniah Eytan and Eric Schenk shall each pay \$3,000 to the clerk of this court. The clerk of the court is directed to deposit the sums paid to her into the general fund. All sanctions shall be paid no later than 15 days after the remittitur is filed.

Attorneys Mattaniah Eytan and Eric Schenk and the clerk of this court are each ordered to forward a copy of this opinion to the State Bar upon return of the remittitur. (Bus. & Prof. Code, " 6086.7, subd. (a); 6068, subd. (o)(3); *Pierotti, supra*, 81 Cal.App.4th at pp. 37-38.)

Ms. Gong is awarded her appellate costs. Stein, Acting P.J. We Concur: Swager, J., Margulies, J. (Certified for Publication.)

A117532 – Estate of Lauren H. Varone, Deceased. Conrad Woodall v. American Heart Association et al.

Accordingly, the judgment is affirmed. Costs on appeal are awarded to respondents. Swager, J. We Concur: Marchiano, P.J., Stein, J. (Not for Publication.)

Division Two

A116388 – Paul A. Vander Waerdt v. Charles M. Collins et al.

The judgment of dismissal in favor of Viltman is reversed and the matter is remanded. The trial court is directed to vacate its order sustaining the demurrer without leave to amend and to enter a new and different order sustaining the demurrer with leave to amend. Appellant shall recover his costs on appeal. Richman, J. We Concur: Kline, P.J., Lambden, J. (Not for Publication.)

Thursday, May 29, 2008 (continued)

Division Two

A095433 – The People v. James Ary, Jr.

The judgment is affirmed. Haerle, J. We Concur: Kline, P.J., Lambden, J. (Not for Publication.)

Division Five

A119702 – In re Gabriel N., a Person Coming Under the Juvenile Court Law. The People v. Gabriel N.

The jurisdictional findings and dispositional order are affirmed. Stevens, J.* We Concur: Simons, Acting P.J., Needham, J. (Not for Publication.)

A116514/A118096 – Linda S. Selbach v. Barclays Global Investors, N.A. and Naozer Dadachanji.

The judgment is affirmed. Needham, J. We Concur: Jones, P.J., Stevens, J.* (Not for Publication.)

* Retired Associate Justice of the Court of Appeal, First Appellate District, Division Five, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

* Retired Associate Justice of the Court of Appeal, First Appellate District, Division Five, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Friday, May 30, 2008

Division One

A116473 – The People v. Jaime Delgado Chavira.

The judgment is affirmed. Marchiano, P.J. We Concur: Stein, J., Swager, J. (Not for Publication.)

Division Two

A119700 – In re James M., et al., Persons Coming Under the Juvenile Court Law. Humboldt County Department of Health and Human Services v. Sarah M.

The findings and orders of the juvenile court are affirmed. Lambden, J. We Concur: Kline, P.J., Richman, J. (Not for Publication.)

A114843 – Robert Lee Zimmerman v. Forrest R. Morphew, et al.

The trial court judgment is affirmed. Costs are awarded to the Morphews. Lambden, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication.)

A116474 – The People v. Philip Carl Lapat.

The judgment of conviction is modified by staying execution of the sentence imposed for the conviction of Health and Safety Code section 11378, possessing methamphetamine for sale, pursuant to Penal Code section 654. As so modified, the judgment is affirmed. The clerk of the Lake County Superior Court is directed to prepare an amended abstract reflecting this modification, and to forward a certified copy to the Department of Corrections and Rehabilitation. Richman, J. We Concur: Kline, P.J., Lambden, J. (Not for Publication.)

A117261 – The People v. Jessie Lee Sims.

The judgment is affirmed. Haerle, J. We Concur: Kline, P.J., Lambden, J. (Not for Publication.)

A120304 – The People v. Arnulfo Chavez Ramirez.

The judgment is affirmed. Richman, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication.)

Friday, May 30, 2008 (continued)

Division Two

A121435 – Deandre Hill v. The Superior Court of California, County of Alameda; People of the State of California, R.P.I.

By petition for writ of mandate, petitioner Deandre Hill challenged respondent superior court's denial of his motion to appoint counsel, David Briggs. We issued a stay on May 9, 2008. Pursuant to our request, we have received and reviewed informal opposition from the real party in interest and the Alameda County Bar Association.

Given the unusual circumstances in this case, we conclude that the motion should have been granted and David Briggs appointed.

Let a peremptory writ of mandate issue commanding respondent to grant Petitioner's motion for appointment of counsel. The stay previously impose is hereby dissolved. Our decision is final as to this court immediately. (See Cal. Rules of Court, rule 8.264(b)(3).) Before Kline, P.J., Lambden, J., and Richman, J.

Division Three

A117050 – John Hernandez et al. v. Whitman Corporation.

The judgment in favor of Whitman and the orders denying plaintiffs' motions for leave to amend and for a new trial are affirmed. Siggins, J. We Concur: McGuiness, P.J., Pollak, J. (Not for Publication.)

A119659 – The People v. Mohinder Singh.

The judgment is affirmed. Siggins, J. We Concur: Pollak, Acting P.J., Jenkins, J. (Not for Publication.)

Division Four

A120477 – In re Ivan M., a Person Coming Under the Juvenile Court Law. The People v. Ivan M.

The order is affirmed. Ruvalo, P.J. We Concur: Sepulveda, J., Rivera, J. (Not for Publication.)

Friday, May 30, 2008 (continued)

Division Five

A117345 – The People v. Maurice Skinner.

The judgment is affirmed. Needham, J. We Concur: Jones, P.J., Stevens, J.* (Not for Publication.)

A115535/A116307 – U.S. Western Falun Dafa Association v. Chinese Chamber of Commerce.

The order granting the Chamber's motion to strike Falun Gong's Unruh Act claim is affirmed (A115535). The order granting the Chamber's motion for attorney fees and costs is reversed and remanded for recalculation, consistent with this opinion, of the Chamber's attorney fees and costs (A116307). The Chamber is entitled to attorney fees and costs on appeal. Simons, J. We Concur: Jones, P.J., Needham, J. (Certified for Partial Publication.)

A117678 – The People v. James Taylor.

The judgment is affirmed. Needham, J. We Concur: Jones, P.J., Stevens, J.* (Not for Publication.)

A116870 – Teryl J. Allen v. Ruth R. Asrican.

The judgment is affirmed. Allen is entitled to her costs on appeal. Simons, Acting P.J. We Concur: Needham, J., Stevens, J.* (Not for Publication.)

A117110 – Eric W. Lien v. Lucky United Properties Investment, Inc., et al.

The order granting the motion to strike is affirmed. Lien is entitled to his costs on appeal. Simons, J. We Concur: Jones, P.J., Needham, J. (Certified for Partial Publication.)

* Retired Associate Justice of the Court of Appeal, First Appellate District, Division Five, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

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